

REMARKS/ARGUMENTS

Claims 1-19 are pending in this application, of which claims 1, 10, and 15 are independent. By this Amendment, claims 1, 7, and 10 are amended, and claims 11-19 are presented as new. Applicant respectfully submits that this Amendment does not add any new matter.

The courtesies extended to Applicant's representative by Examiner of Record Paul McCord during the interview held November 23, 2010 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

Rejections Under 35 U.S.C. § 101

On page 2, the Office Action rejects claims 1-10 under 35 U.S.C. § 101 as allegedly being directed toward non-statutory subject matter.

In response, Applicant respectfully submits that the specification discloses that the "function or unit" referenced in the Office Action may include hardware such as, for example, "first-in first-out memories, shift register memories or the like" (paragraph [0040] of the published version of the specification). Claims 1 and 10 recite that the data stream is contained in memory. These recitations unambiguously tie the apparatus and method to physical hardware. Accordingly,

Applicant respectfully requests that the rejection of claims 1-10 under 35 U.S.C. § 101 be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

On pages 3-7, the Office Action rejects claims 1-10 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,081,783 to Divine et al. ("Divine").

Independent claim 1 recites, in part: "size determination means for processing a subset of the information of said data stream in order to calculate the length of a first data block to be decoded" (emphasis added). Independent claim 10 recites, in part: "processing a subset of the information of said data stream contained in said memory in order to calculate the length of a first data block to be decoded" (emphasis added). Paragraph [0048] of the published version of the specification provides support for this subject matter.

The Office Action cites Divine as allegedly disclosing the subject matter, specifically citing column 8, lines 40-54 and column 39, lines 35-40. On page 4, the Office Action further states that Divine allegedly teaches a "frame includes a header comprising a block length indicator for determining the number of samples encoded in the frame as a payload size." However, Divine fails to disclose that the length is calculated by processing a subset of information, as described in the present

application. In contrast, the cited lines disclose extracting a block length from a specific data field.

As discussed during the interview on November 23, 2010, various embodiments of the application may calculate, for example, the sum of all the bit allocation pointers (BAPs) in an audio block to determine a block length (paragraph [0048]). This avoids the need for a field exclusively designating the length of a block; instead the length is calculated by processing other information.


For the reasons detailed above, Applicant respectfully submits that independent claims 1 and 10 are allowable over the references of record. Claims 2-9 depend from claim 1. New claims 11-14 depend from claim 10. Thus, Applicant respectfully submits that claims 2-9 and 11-14 are also allowable at least due to their respective dependencies from allowable base claims. Accordingly, Applicant respectfully requests that the rejection of claims 1-10 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the attorney overseeing the application file, David L. Schaeffer, of NXP Corporation at (212) 876-1592.

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Respectfully submitted,
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